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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,577	01/20/2004	Mike Peters	6065-90401	1067
24628 7590 07/11/2008 WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606				
EXAMINER				
SAM PHIRIN				
ART UNIT		PAPER NUMBER		
2619				
MAIL DATE		DELIVERY MODE		
07/11/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/760,577

**Applicant(s)**

PETERS, MIKE

**Examiner**

Phirin Sam

**Art Unit**

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 April 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 17 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0156900 (hereinafter referred as "Marquette") in view of US Patent 7,103,644 (hereinafter referred as "Zhang").

**Regarding amended claims 1 and 11**, Marquette discloses a method of distributing Internet calls by an automatic contact distributor, such method comprising:

- (a) receiving a Session Initiation Protocol INVITE by the automatic contact distributor from a client (see Fig. 3, paragraphs [0048], [0049], and [0050]);
- (b) determining a call type from the Session Initiation Protocol INVITE (see Fig. 3, paragraphs [0051]);
- (c) selecting an agent to handle the Internet call based upon the determined call type (see Fig. 3, element 310, paragraphs [0051], [0053]);
- (d) setting up a call between the selected agent and the client based upon the Session Initiation Protocol INVITE and requesting notification from the agent upon termination of the Internet call (see Fig. 3, paragraphs [0052], [0054], and [0055]);

Marquette does not disclose a buffer server. However, Zhang discloses the buffer server (see Figs. 4 and 5, col. 7, lines 3-32). At the time of the invention, it would have been obvious to

a person of ordinary skill in the art to combine the buffer server teaching by Zhang with Marquette. The motivation for doing so would have been to provide for a converged service creation and execution environment for integrated data network read on column 3, lines 43-45. Therefore, it would have been obvious to combine Zhang and Marquette to obtain the invention as specified in claims 1 and 11.

**Regarding amended claims 2, 12, and 22**, Marquette discloses the step of setting up the call further comprises determining a URL of the selected agent (see Fig. 3, paragraphs [0060], [0062]).

**Regarding amended claims 3, 13, and 23**, Marquette does not disclose determining a universal resource locator pair for use by the buffer server for routing packets between the selected agent and client. However, Zhang discloses determining a universal resource locator pair for use by the buffer server for routing packets between the selected agent and client (see Figs. 4 and 5, col. 7, lines 3-32). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the buffer server teaching by Zhang with Marquette. The motivation for doing so would have been to provide for a converged service creation and execution environment for integrated data network read on column 3, lines 43-45. Therefore, it would have been obvious to combine Zhang and Marquette to obtain the invention as specified in the claims 3, 13, and 23.

**Regarding claims 4 and 14**, Marquette discloses routing a Session Initiation Protocol INVITE regarding the client to the selected agent (see Fig. 3, paragraphs [0060], [0062], [0078]).

**Regarding claims 5 and 15,** Marquette discloses decoding the Session Initiation Protocol INVITE to determine a communication protocol to be used for the Internet call (see Fig. 3, paragraphs [0137], [0176], and [0183]).

**Regarding claims 6, 16, and 25,** Marquette discloses setting up a communication link between the selected agent and the client (see Fig. 3, paragraphs [0052], [0054], and [0055]).

**Regarding claims 7 and 17,** Marquette does not disclose or suggest conferencing a supervisor into the Internet call. However, Zhang discloses conferencing a supervisor into the Internet call (see Fig. 10, col. 13, lines 6-43). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine conferencing a supervisor teaching by Zhang with Marquette. The motivation for doing so would have been to provide for a converged service creation and execution environment for integrated data network read on column 3, lines 43-45. Therefore, it would have been obvious to combine Zhang and Marquette to obtain the invention as specified in the claims 7 and 17.

**Regarding claims 8 and 24,** Marquette does not disclose or suggest sending a SIP instant message to the buffer server that includes an identifier. However, Zhang discloses sending a SIP instant message to the buffer server that includes an identifier (see Figs. 4 and 5, col. 10, lines 16-22). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine sending a SIP instant message teaching by Zhang with Marquette. The motivation for doing so would have been to provide for a converged service creation and execution environment for integrated data network read on column 3, lines 43-45. Therefore, it would have been obvious to combine Zhang and Marquette to obtain the invention as specified in the claims 8 and 24.

**Regarding claim 18**, Marquette discloses means for directing the Session Initiation Protocol INVITE to the selected agent using a URL of the agent and for permitting the agent to negotiate a communications protocol for the internet call (see Fig. 3, element 310, paragraphs [0051], [0053]);

**Regarding claims 9, 19, and 27**, Marquette discloses defining the communication link as a request for Voice over Internet Protocol (see Fig. 3, paragraph [0013]).

**Regarding claims 10, 20, and 28**, Marquette does not disclose or suggest defining the communication link as a request for Instant Messaging. However, Zhang discloses defining the communication link as a request for Instant Messaging (see Figs. 4 and 5, col. 10, lines 16-22). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the communication link as a request for instant message teaching by Zhang with Marquette. The motivation for doing so would have been to provide for a converged service creation and execution environment for integrated data network read on column 3, lines 43-45. Therefore, it would have been obvious to combine Zhang and Marquette to obtain the invention as specified in the claims 10, 20, and 28.

**Regarding amended claim 21**, Marquette discloses an automatic contact distributor for distributing Internet calls, such apparatus comprising:

- (a) a user agent adapted to receive and decode a Session Initiation Protocol INVITE from a client to determine a communication protocol to be used for the Interact call (see Fig. 3, paragraphs [0048], [0049], and [0050]);
- (b) a call typing processor adapted to identify a type of Internet call to be established with the client (see Fig. 3, paragraphs [0051]);

- (c) an agent selection application adapted to select an agent to handle the Internet call based upon the call type (see Fig. 3, element 310, paragraphs [0051], [0053]);
- (d) a proxy server adapted to transfer the Session Initiation Protocol INVITE to the selected agent (see Fig. 3, paragraphs [0052], [0054], and [0055]);

Marquette does not disclose or suggest a conference application adapted to conference a supervisor into the Internet call. However, Zhang discloses a conference application adapted to conference a supervisor into the Internet call (see Fig. 10, col. 13, lines 6-43). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine conferencing a supervisor teaching by Zhang with Marquette. The motivation for doing so would have been to provide for a converged service creation and execution environment for integrated data network read on column 3, lines 43-45. Therefore, it would have been obvious to combine Zhang and Marquette to obtain the invention as specified in the claim 21.

**Regarding claim 26**, Marquette discloses the agent selection application is adapted to monitor call progress by sending SIP requests requesting notification of status (see Figs. 12 and 13, paragraphs [0128], [0135], [0137], and [0152]).

#### ***Response to Remarks***

- 3. Applicant's remarks with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

- 4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Increased Flexitime Policy (IFP) Program.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272 - 2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: July 7, 2008

By: /Phirin Sam/

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Phirin Sam  
Primary Examiner  
Art Unit 2619